

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.04-11852 NMG

KENNETH PASQUARIELLO,  
Plaintiff

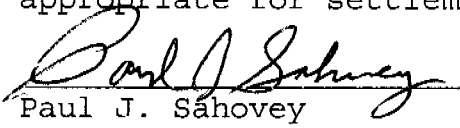
vs.

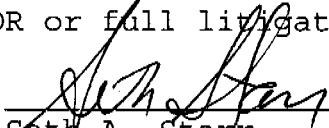
NATIONAL RAILROAD  
PASSENGER CORPORATION,  
And MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY,  
Defendants

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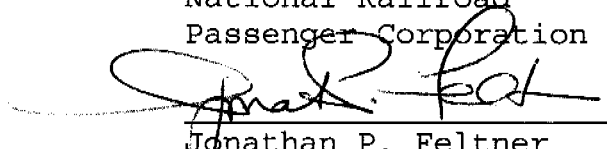
RULE 16(O)(3) CERTIFICATION

This is to certify that the Defendants, National Railroad Passenger Corporation and the Massachusetts Bay Transportation Authority, and their counsel, Paul J. Sahovey, Esq. have conferred to establish a budget for the full litigation of the above-captioned matter as well as a budget for various alternative courses. National Railroad Passenger Corporation and the Massachusetts Bay Transportation Authority, and their counsel, Paul J. Sahovey, Esq. have further discussed the resolution of the litigation through the use of Alternative Dispute Resolution programs and needs to develop further information before it can decide whether the case is appropriate for settlement, ADR or full litigation.

  
Paul J. Sahovey

  
Seth A. Starr

National Railroad  
Passenger Corporation

  
Jonathan P. Feltner  
First Assistant General  
Counsel - Trials  
Massachusetts Bay  
Transportation Authority

Dated: December 8, 2004